

REMARKS

Reconsideration of the application in light of the amendments and the following remarks
is respectfully requested.

Status of the Claims

Claims 1-20 are pending. Claims 1 and 8 have been amended. No new matter has been added.

Rejection Under 35 U.S.C. § 103

Claims 1-6, 8-15 and 17-20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,206,782 to Walker et al. (“Walker ‘782”) in view of U.S. Patent No. 6,146,272 to Walker et al. (“Walker ‘272”) and further in view of U.S. Patent No. 5,779,549 to Walker et al (“Walker ‘549”).

The Examiner contends that Walker '782 discloses most of the features of claims 1-6, 8-15 and 17-20. However, the Examiner acknowledges that Walker '782 does not disclose the features related to lottery information or automatic lottery purchasing as recited in the claims. The Examiner cites Walker '272 as disclosing a lottery game using remote terminals and a central terminal to purchase a lottery ticket. However, the Examiner acknowledges that the combination of Walker '782 and Walker '272 does not disclose a central server automatically creating groups of participants based on predefined information. The Examiner further cites Walker '549 as disclosing an online distributed tournament system that manages all aspects of group play and participation

individual players placing individual wagers in a casino, where if the player is a member of a group registered with the casino and if the player has wagered a minimum amount within a given time period, the player can share in a team reward when a payout is obtained on a wager placed by another game-playing player that is a member of the group. As the Examiner acknowledges, there is no disclosure in Walker ‘782 regarding a server that purchases lottery tickets or that a server “communicates results of the purchase of lottery tickets to the purchasers” as recited in amended claim 1, and similarly recited in amended claim 8. At best, the system disclosed in Walker ‘782 merely communicates whether a person who is a member of a registered casino group has won on a machine at the casino, and what prize other members of the group will receive.

Walker ‘272 discloses a conditional lottery ticket system that processes conditional lottery ticket transactions, including the acceptance and validation of play entries. According to this reference, the conditional lottery ticket system preferably includes a central lottery server and one or more remote lottery terminals. The conditional lottery ticket system permits a player to purchase conditional lottery tickets that are not activated until one or more player-defined activation conditions are satisfied. (Walker ‘272, column 2, lines 25-34.) Accordingly, Applicant submits that this reference discloses the purchase of a single conditional lottery ticket by an individual player at a lottery terminal. However, this reference is not related to group play of any type, and the Examiner has acknowledged this lack of relevant disclosure in the detailed Office Action: “Walker ‘272 does not however teach the limitation of a central server automatically creating groups of participants based on predefined information.” (Detailed Office Action, page 3.) The Walker ‘272 patent merely discloses a lottery system that may use the Internet. (Walker ‘272, column 4, lines 44-51.)

Since the Walker '782 patent relates to group play in a casino on slot machines in order to get customers into the casino, and Walker '272 relates to a single person purchasing a lottery ticket at a lottery machine based on some event in the future, Applicant submits there is no motivation to combine these references. The Examiner asserts that both references discuss a network system for playing a lottery, but they are very different. One plays a lottery machine and the other provides a system for buying a state lottery ticket. Further, even if these references are combined, they would not yield the invention defined by the present claims. The Examiner asserts that it would have been obvious to modify the Walker '782 system to include automated rule based lottery purchases as in Walker '272. However, that is not the claimed invention, i.e., the group purchase of lottery tickets over the Internet.

As noted by the Examiner, the Walker '549 patent discloses a database online distributed tournament system that manages all aspect of group play and participation. The games played in the Walker '549 system are typically competitive games. While games of chance are mentioned, there is no mention of group lottery purchases. Citing column 7, lines 47-56, the Examiner goes on to state that Walker '549 discloses that the central controller will automatically create player groups that are based on predefined, player-entered information. However, that portion of the '549 patent states:

Continuity between tournaments is improved by storing player preferences. Once a player's preference for method of prize payment is established, for example, the central controller no longer needs to ask how the player wants to be paid. By storing player preferences for tournament formats, the central controller can send tournament details to a player when any tournaments of this type are scheduled in the future. Tournaments are also more fun for players when data are stored as to favorite opponents,

teachings. There must be a reason or suggestion in the art for selecting the procedure used, other than the knowledge learned from the Applicant's disclosure” *In re Dow Chemical Co.*, 5 U.S.P.Q. 2d 1529, 1531 (Fed. Cir. 1988) (citations omitted).

As demonstrated above, there is no suggestion in Walker ‘782, Walker ‘272, or Walker ‘549 to combine these references. Instead, the Examiner has impermissibly relied on the disclosure of the present application “to reconstruct the patentee’s claimed invention from prior art by using the patentee’s claim as a ‘blueprint’ when prior art references require selective combination to render obvious a subsequent invention.” (*Dow Chemical Co.*, 5 U.S.P.Q. 2d at 1532, citing *Interconnect Planning Corporation v. Feil*, 774 F.2d 1132, 227 U.S.P.Q. 543, 551 (Fed. Cir. 1985).)

For the foregoing reasons, Applicant submits that the Examiner has not meet the burden of establishing a *prima facie* case of obviousness for amended claims 1 and 8. Claims 2-6 depend from claim 1. Claims 9-15 and 17-20 depend from claim 8. Applicant submits that claims 2-6, 9-15, and 17-20 are patentable over the combination of Walker ‘782, Walker ‘272, and Walker ‘549 for at least the same reasons as their respective base claim. Withdrawal and reconsideration of the rejection is requested.

Claims 7 and 16 stand rejected as being unpatentable over Walker ‘782, Walker ‘272, and Walker ‘549 further in view of U.S. Patent No. 6,383,078 to Yacenda (“Yacenda”). The Examiner contends that the combination of Walker ‘782, Walker ‘272, and Walker ‘549 discloses most of the features of claims 7 and 16. However, the Examiner acknowledges that Walker ‘782, Walker ‘272, and Walker ‘549 do not disclose game information selection. The Examiner cites

If there are any other issues remaining which the Examiner believes could be resolved through a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.

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Respectfully submitted,

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